

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

ACTRADE LIQUIDATION)	
TRUST,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:05cv589-T
HLC INDUSTRIES, INC.)	
)	
Defendant.)	

ORDER

After independent and de novo review of the record and there being no objection from the parties, it is ORDERED as follows:

(1) The report and recommendation of the bankruptcy judge (Doc. No. 38) is adopted.

(2) Defendant HLC Industries, Inc.'s motion to dismiss (Doc. No. 15) is denied.

(3) This lawsuit is transferred to the United States District Court for the Southern District of New York, pursuant to the forum selection clause in the contract between defendant HLC Industries, Inc. and plaintiff

Actrade Liquidation Trust and the doctrine of forum non conveniens.

(4) Plaintiff Actrade Liquidation Trust's motion to refer the case to the bankruptcy court (Doc. No. 3), motion for expedited hearing (Doc. No. 21), and motion for leave to file (Doc. No. 35) are denied as moot.

The clerk of the court is DIRECTED to take appropriate steps to effect the transfer.

DONE, this the 20th day of December, 2005.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE